

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION

Plaintiff,

No. C 02-03378 EDL

v.

ORDER RE: EFFECTIVE FILING DATE
OF CLAIM 11 OF '775 PATENTBUSINESS OBJECTS DATA
INTEGRATION, INC.Defendant.

The Court has reviewed the parties' further briefing and the authorities cited therein regarding the effective filing date of Claim 11 in the '775 Patent, which is a continuation-in-part of the '670 patent. The Court agrees with Plaintiff that Claim 11 is entitled to the earlier filing date of the '670 patent, for the reasons stated by Plaintiff. The specification for both patents is the same, except that the '775 patent adds extending the method to use in analytical applications, to integrate data between different systems, and to use with applications acting as source systems. Unlike Claims 5 and 7, which cover a "computer implemented method for analyzing data in an application," Claim 11 covers a "computer implemented method for transforming data." What is new in the '775 patent relates to the former, not the latter. While Claim 11 employs the new term "system," one skilled in the art would not have viewed this as a distinction with a difference, but as an obvious variation of the original invention, which the inventor had possession of at the earlier date. The

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1 patent prosecution history, including the rejection for double patenting leading to the terminal
2 disclaimer, further supports this conclusion.

3 IT IS SO ORDERED.

4 Dated: March 8, 2007

Elizabeth D. Laporte

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6 ELIZABETH D. LAPORTE
United States Magistrate Judge
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